

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 11-0110  
ELECTRONICALLY FILED

v.

JOSEPH DEES a/k/a JOSEPH LEE,

Defendant.

**Order on Gov. Exhibits 14 and 15**

Pending before this Court is Defendant's notice of objection to introduction of Government Exhibits 14 and 15, which are letters allegedly authored by Defendant to witness Smith, (doc. no. 71), and the Government's response in opposition thereto (doc. no. 73).

Defendant seeks the Court to strike this evidence, and raises numerous objections to the admission of these letters including foundation, authenticity, timing of production, and possible government inducement. Based upon the representations of Government counsel, which Defendant does not dispute, the evidence was not given to the Government until last Friday, the day it was filed on the docket.

The Court preliminarily rules that the evidence is admissible, but prior to its actual admission at trial, the Government must lay the proper foundation and establish authenticity through witness Smith, which also includes providing Defendant the opportunity to cross-examine the witness on the date of the letters and other matters related thereto.

However, despite the Government's request to discuss this evidence during its opening statement, the Court will bar any mention thereof during the opening statements of both the Government and the Defendant.

**SO ORDERED** this 6th day of November, 2012.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties